



9200/2681
#11

0172.37288X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JUHA MATTI PIRKOLA et al
Serial No.: 09/337,330
Filed: June 21, 1999
For: MOBILITY WITHIN A PACKET-SWITCHED
TELEPHONY NETWORK

Group: 2681
Examiner: J. GELIN
Conf. No. 8862

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Technology Center 2600

PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT

Commissioner For Patents
POB 1450
Alexandria, VA 22313-1450

September 23, 2003

Sir:

Applicant's, through their undersigned representative, respectfully petition for the withdrawal of the erroneous holding of abandonment in connection with the above-identified application. The Notice of Abandonment received in the offices of the below-named Law Firm on August 25, 2003 was mailed by the USPTO on August 22, 2003. The Notice of Abandonment states that the above-identified application became abandoned due to failure to timely reply to an Official action dated July 31, 2003. This Official notification of abandonment follows an earlier telephone call initiated by the Examiner on April 17, 2003 and also follows several other phone calls (between the above-named Examiner and applicants' undersigned representative) and is further to the papers filed by applicants on April 18, 2003 and July 9, 2003, which are related thereto. As was explained to the Examiner in the papers filed on April 18 and July 9, 2003 (see **Exhibits A and B**), the official action referred to by the Examiner, it is submitted, was not

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received in the offices of the below-named Law Firm, representing applicants. As a result, therefore, applicants were not aware that a response (to an Office Action) was in fact required to be filed. This confirms the reason why a response was not submitted.

(The paper filed on April 18, 2003 acknowledged a telephone inquiry made by the Examiner on April 17, 2003 (which is also noted in item 7 of the received Notice of Abandonment) regarding whether or not applicants have filed a response to the First Office Action which, according to the Examiner, was mailed on July 31, 2001. (In the telephone conference on April 17, 2003, the Examiner may have wrongly referred to the mailing date of that Office Action as July 31, 2001 rather than as July 31, 2002, as indicated in the received Notice of Abandonment.) The undersigned informed the Examiner, in a follow-up call to him on April 17, 2003 that no such Office Action was received by applicants. The Examiner indicated, at that time, that the above-identified application is, therefore, technically abandoned. Accordingly, the undersigned filed the paper of April 18, 2003, prompting the Examiner to expedite the mailing of an official Notice of Abandonment "*so that applicants can proceed accordingly with regard to filing a Petition to Withdraw An Erroneous Holding of Abandonment.*" However, as of July 9, 2003, such official notification of abandonment had not yet been received in the offices of the undersigned. As a result, therefore, a follow-up letter was filed on July 9, 2003 (**see Exhibit B**).

As is indicated in Exhibit B, the first official Notice of Abandonment was mailed, according to the Examiner, on April 23, 2003. However, as is explained in Exhibit B, it was not received in the offices of the undersigned as a result of having been mailed, apparently, to an improper correspondence address. As explained on page 2 of the July 9, 2003 paper (**Exhibit B**), it is likely that the USPTO may have posted an improper customer number which may have led to the mailing of that "Notice of Abandonment" to the wrong law firm.)

It is submitted, the official action mailed on July 31, 2002, referred to in item 1 in the presently received Official Notice of Abandonment, was not

received in the offices of the below-named Law Firm; therefore, the application was erroneously abandoned. Accordingly, applicants, through their undersigned representative, respectfully request that this petition, requesting the withdrawal of the erroneous holding of abandonment, be granted and, furthermore, request that a new Official Action be mailed including a newly set response period directed thereto to the below-named Law Firm whose name and address is recognized by the customer number **020457**, which is properly referred to in the Change of Correspondence Address transmittal form, which was filed with the application papers of the above-identified application. Supportive evidence directed thereto is established below together with the attachments hereto.

I. At the time of filing of the above-identified application, the Customer Number was included in the Change of Correspondence Address transmittal (form PTO/SB122) relating to the above-referenced application. That change of correspondence address transmittal was filed with the application papers at the time of filing the above-identified application. This Customer Number, which is **020457**, was appropriately provided in the correspondence address portion of that transmittal form, a copy of which is enclosed herewith as **Exhibit C**. Enclosed herewith also is a copy of the dated postcard receipt, as **Exhibit D**, pertaining to the filing of the above-identified application on June 21, 1999, which evidences also that the Change of Correspondence Address transmittal was filed therewith.

This Customer Number **020457**, it is submitted, pertains to the address of the offices of the undersigned Law Firm, which is:

Antonelli, Terry, Stout & Kraus, LLP
1300 N. 17th Street
Suite 1800
Arlington, VA 22209

This address is also shown in the cover sheet of the Specification of the present application as well as in the Declaration and power of Attorney papers, thereof. Since a Customer Number, if one is provided, is reflective of the correspondence address to be used by the USPTO in communicating with applicants, and since such correct customer number, it is submitted, was

provided and, also, correctly reflects the name and address of the below-named Law Firm (who represents applicants), all requirements in connection with ensuring that any and all communications from the USPTO are mailed to the above-noted correspondence address have been met.

II. The below-named Law Firm maintains both a computerized and a manual docketing system in which all official actions mailed by the USPTO which require a response are appropriately docketed. If the alleged Office Action mailed on July 31, 2002 was received by the offices of the undersigned, an appropriate entry for the subject application would have been posted on the page (of our firm's docket book) for the six-months statutory period ending date, which would be in the present case, January 31, 2003. A copy of that page of our firm's docket book as well as a print-out of our firm's official computer file record directed to that U.S. Application/Atty. docket number, are enclosed herewith as **Exhibits E and F**, respectively. As is clearly evident from this, no such entry for the subject application (Docket No. 0172.37288X00 [formerly 017.37288X00]) was made in the firm's docket book and in the computer file record directed thereto, such Office Action is not shown as having been posted. It is clearly apparent, therefore, the referred-to "office letter mailed on 07/31/02," in the received Notice of Abandonment, was not received in the offices of the undersigned.

Since, the correct correspondence address (of the below-named Law Firm) as well as the correct customer number associated therewith were officially submitted in the USPTO, any and all mailing errors that may have resulted in communications initiated by the USPTO, it is submitted, are not the fault of applicants or of the below-named Law Firm, representing applicants.

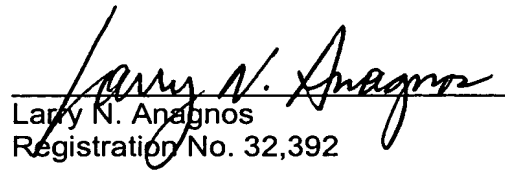
Since, as evidenced herein, the referred to Official Action of July 31, 2002 was not received by the below-named Law Firm representing applicants, the above-identified application was erroneously abandoned. Accordingly, the granting of this Petition and resumption of *Ex parte* prosecution including the re-mailing of the Official Action of July 31, 2002 including the re-starting of the response period directed thereto, is respectfully

requested. Furthermore, it is respectfully requested that all such lost time resulting from the erroneous abandonment of the above-identified application be added back to the U.S. Patent term of any patent to be issued in connection with the above-identified application.

Please charge any shortage in the fees due in connection with the filing of this paper to the deposit account of Antonelli, Terry, Stout & Kraus Deposit Account No. 01-2135 (0172.37288X00 [formerly 0172.37288X00]) and please credit any excess fees to such deposit account.

Respectfully Submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP


Larry N. Anagnos
Registration No. 32,392

LNA/dks
703-312-6600

Attachments: List of Exhibits (Exhibits A through F).

List of Exhibits

- Exhibit A - Status Inquiry Letter, April 18, 2003
- Exhibit B - Follow-up Status Inquiry Letter, July 9, 2003
- Exhibit C - Copy of Change of Correspondence Address form (PTO/SB122), filed June 21, 1999
- Exhibit D - Dated Postcard Receipt of Application Papers, filed June 21, 1999
- Exhibit E - ATSK Docket Book, page: January 31, 2003
- Exhibit F - ATSK Computerized Docket, Application Status printout

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Juha PIRKOLA et al
Serial No.: 09/337,330
Filed: June 21, 1999
For: MOBILITY WITHIN A PACKET-SWITCHED TELEPHONY
NETWORK
Group: 2681
Examiner: J. GELIN

LETTER RE ACKNOWLEDGMENT OF STATUS INQUIRY TELEPHONE CALL

Commissioner For Patents
Washington, D. C. 20231

April 18, 2003

Sir:

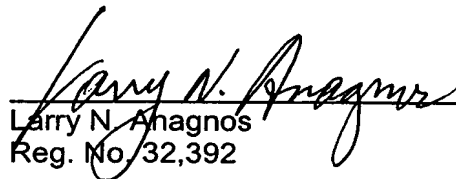
In the matter of the above-identified application, applicants undersigned representative would like to bring into the official record a telephone inquiry made by the Examiner on April 17, 2003 concerning the status of response to a first Office Action which, according to the Examiner, was mailed on July 31, 2001. In complying with the Examiner's request, the undersigned proceeded to review the file history of the above-identified application and, also, instructed the docketing department of the below-named Law Firm to check our Firm's records for any evidence that any such Office Action was received. It is submitted, our records indicate that no such Office Action was received by applicants. A reply telephone voice message to that effect was forwarded, by the undersigned, to the Examiner that same day, April 17, 2003. Considering that the above-identified application has been pending for almost four (4) years without an official action on the merits having



been received by applicants, it is respectfully requested, therefore, that if the USPTO considers the above-referenced application is now abandoned for applicants failure to timely file a response to an outstanding Office Action, such as the Examiner indicated, it is respectfully requested that a notice to that effect be expedited immediately so that applicants can proceed accordingly with regard to filing a Petition to Withdraw An Erroneous Holding of Abandonment.

The USPTO and Examiner's cooperation regarding this matter will be greatly appreciated.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP


Larry N. Anagnos
Reg. No. 32,392

LNA/dks
703-312-6600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. PIRKOLA, et al .
Application No.: 09/337,330
Filed: June 21, 1999
For: MOBILITY WITHIN A PACKET-SWITCHED
TELEPHONY NETWORK
Group: 2681
Examiner: J. GELIN

**FOLLOW-UP LETTER TO TELEPHONE INQUIRY STATUS CALL
TO THE EXAMINER ON JULY 2, 2003**

And

FURTHER TO LETTER FILED ON APRIL 18, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 9, 2003

Sir:

In the matter of the above-identified application, Applicants' undersigned representative made a follow-up status telephone inquiry on July 2, 2003 to the above-named Examiner regarding previously mailed papers by the USPTO which have not yet been received by Applicants. The Examiner informed the undersigned that he will look into the matter and contact the undersigned (via telephone) upon retrieval of the official file in the USPTO. As of today, no further contact has been made by the Examiner to the Applicants' undersigned representative.

The following discussion details the several status inquiry telephone discussions held between the Examiner and Applicants' undersigned representative



since the filing of the paper dated April 18, 2003, entitled Letter Re Acknowledgement of Status Inquiry Telephone Call.

The paper filed on April 18, 2003 acknowledged a telephone inquiry made by the Examiner on April 17, 2003 regarding whether or not Applicants have filed a response to the first Office Action which, according to the Examiner, was mailed on July 31, 2001. The undersigned informed the Examiner, in a follow-up call to him on that date, that no such Office Action was received by Applicants. The Examiner indicated at that time that the above-identified application is therefore technically abandoned. Accordingly, the undersigned, on behalf of Applicants, filed a paper on April 18, 2003 requesting that an Official Notice of Abandonment be promptly expedited so that Applicants can proceed accordingly with regard to filing a Petition to Withdraw an Erroneous Holding of Abandonment.

On May 27, 2003, the undersigned telephoned the Examiner and left a voice message to him regarding the status of the paper filed on April 18, 2003. The Examiner made a reply telephone call to Applicants' undersigned representative on May 28, 2003 informing the undersigned that a Notice of Abandonment was, in fact, mailed on April 23, 2003 to Applicants. However, no such paper has been received in the offices of the below-named Law Firm, by that time. Upon discussing this further with the Examiner, it was determined that the Notice of Abandonment was mailed to the wrong Law Firm and the error appears to have been made as a result of an error made in the USPTO regarding the posting of the customer number. A review of Applicants' copy of the Official Record shows that the proper customer number associated with the below-named Law Firm was submitted at the time of filing the application. The customer number of the below named Law Firm is **020457** which is properly shown in the Official Filing Receipt as well as in the Change of

Correspondence Address Application Form, the latter having been filed with the application papers of the above-identified application. (A copy of the Change of Correspondence Address Application (Form PTO/SB/122) as well as a copy of the Official Filing Receipt, which show the correct customer number, are enclosed herewith.) Since the correct mailing address of the below-named Law Firm as well as the correct customer number associated therewith were officially submitted in the USPTO, any and all mailing errors that may have resulted in communications initiated by the USPTO are, clearly, not the fault of Applicants or the below-named Law Firm representing Applicants.

The Examiner indicated, during that telephone discussion on May 28, 2003, that he will look into this matter further and telephone the undersigned for purposes of rectifying this matter. However, as of July 1, 2003, Applicants' undersigned representative has not yet received a reply telephone call regarding this matter. Accordingly, on July 2, 2003, a follow-up status call was made to the Examiner requesting of him the mailing of the Official Notice of Abandonment (that was earlier mailed to an apparently incorrect address) so that the undersigned can proceed with the preparation and filing of a Petition to Withdraw an Erroneous Holding of Abandonment. The Examiner indicated, at that time, that he will reorder the file and cause the re-mailing of the Notice of Abandonment, accordingly. Applicants and their undersigned representative look forward to an early receipt of the same. However, since it appears that the earlier first Office Action as well as the Notice of Abandonment were mailed to the wrong address, by the USPTO, the USPTO may wish to instead voluntarily vacate the official abandonment of the above-identified application, at this time, for purposes of reissuing the earlier first Office Action and setting a new response period directed thereto, thereby avoiding the necessity of

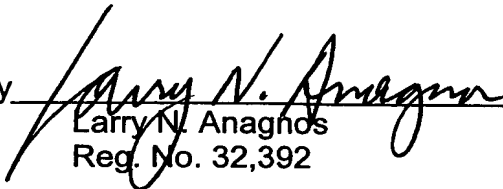
Applicants having to file a Petition, as discussed above. A communication directed thereto (along with copies of the missing papers) together with a newly mailed first Office Action would be greatly appreciated.

Applicants and their undersigned representative greatly appreciate the Examiner's and the USPTO's assistance and early reply regarding this matter.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By


Larry N. Anagnos
Reg. No. 32,392

LNA/dlt

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666

Enclosures: Official Filing Receipt
Change of Correspondence Address Application (Form PTO/SB/122)

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PTO/SB/122 (11-96)
Approved for use through 6/30/99. OMB 0651-0035
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Application Number	Not Yet Assigned
Filing Date	June 21, 1999
First Named Inventor	Juha PIRKOLA ET AL.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	017.37288X00

Please change the Correspondence Address for the above-identified application to:



Customer Number

020457

Type Customer Number here



020457

PATENT006111 MARK OFFICE

OR



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State

ZIP

Country

Telephone

Fax

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I am the :



Applicant.



Assignee of record of the entire interest.
Certificate under 37 CFR 3.73(b) is enclosed.



Attorney or agent of record .

Typed or
Printed Name

R. Edward Brake, Reg. No. 37,784

Signature

R. Edward Brake

Date

June 21, 1999

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/337,330	06/21/99	2774	\$1,108.00	017.37288X00	23	35	4

020457

ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

del (ERB)

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) JUHA PIRKOLA; HEIKKI EINOLA; MARKO SUOKNUUTI; AKI MIKKONEN; TERO KOSKIVIRTA; JUKKA SAUNAMAKI; PEKKA PESSI.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 07/19/99

TITLE

MOBILITY WITHIN A PACKET-SWITCHED TELEPHONY NETWORK

PRELIMINARY CLASS: 455

DATA ENTRY BY: SCOTT, JOSEPH

TEAM: 03 DATE: 07/19/99

(See reverse for new important information)

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PTO/SB/122 (11-96)
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CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Application Number	Not Yet Assigned
Filing Date	June 21, 1999
First Named Inventor	Juha PIRKOLA ET AL.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	017.37288X00

Please change the Correspondence Address for the above-identified application to:



Customer Number

020457

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020457

OR

PATENT OFFICE



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I am the :



Applicant.



Assignee of record of the entire interest.
Certificate under 37 CFR 3.73(b) is enclosed.



Attorney or agent of record .

Typed or
Printed Name

R. Edward Brake, Reg. No. 37,784

Signature

R. Edward Brake

Date

June 21, 1999

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PENGAD - Bureau, N.J.

EXHIBIT

C

Patent ☒ Trademark ☐ 017.37288X00
Serial No. Not yet assigned Filed June 21, 1999
Applicant(s) J. Pirkola, et al
Papers filed herewith on June 21, 1999
☒ Fees \$ 1,108.00 ☐ Assignment
☒ New Application ☐ Letter to Draftsman
☐ Amendment ☐ Priority Documents
☐ Notice of Appeal ☐ Petition for Ext. of Time
☐ Appeal Brief ☒ 23 Sheets of Formal Drawings
☒ Other Title page, Specification, Thirty-five (35)
Claims and Abstract (69 pages); 23 Sheets of
Drawing Showing Figs. 1-23, Change of Correspondence
Address (PTO/SB/122).

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

32998

15525 U.S. PTO
09/337330
06/21/99

PENGAD - Bayonne, N. J.
EXHIBIT
D

520.380541x1 Account App 8m. 002 1/10
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 500.35632x01 NISHIHATA 535733 Response ESP MR 12/2
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OPER **WYSM** ENTERED **6/8/1999** MOD **7/9/2003** ATTORNEYS **CIB / DCO / DP** PRINTED ON: **9/23/2003**
 ATSK# **0172.37288X00** CNTRY **US** **UNITED STATES** NEW/CON **NEW** RELATED
 PATS# **P17152US0** TYPE **UTL** SERIAL# **09/337,330** PATENT# STAT **PENDING**
 TITLE **MOBILITY WITHIN A PACKET-SWITCHED TELEPHONE NETWORK** RL/FM **010442/0595**
 CLIENT **0172** **NOKIA CORPORATION (INFRASTRUCTURE)** **1** CREF **NC 14926** SE **NO** ART **2774**
 AGENT AREF CLAIMS **00225047**
 PRIOR **6/21/1999** MAIL **6/21/1999** FILE **6/21/1999** PUBL ISSUE EXP **6/21/2019** 1ST **6/21/1999**

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
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G2	N	MISSING PARTS (2 MO)	7/19/1999	2 M	9/19/1999	5 1	2/19/2000	0	9/14/1999	1 M	Y	Y	N
FS	N	FILG RCPT STATUS CHK	6/21/1999	3 M	9/21/1999		9/21/1999	0	9/21/1999	0 M	N	N	Y
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AS	Y	ASSIGNMENT FILED	12/16/1999										
	Y	A00 FILED	6/12/2000										
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PCT FILED 06/12/00 AS A00													
	Y	ID SIFLED	9/17/2001										
	y	LTR RE STATUS INQUIR	4/18/2003										
	Y	FOLLOW UP LTR	7/9/2003										

INVENTORS

PIRKOLA, JUHA

EINOLA, HEIKKI

SUOKUNUTTI, MARKO

MIKKONEN, AKI

KOSKIVIRTA, TERO

SAUNAMAK, JUKKA

PESSI, PEKKA

ASSIGNEES

NOKIA TELECOMMUNICATIONS OY

NOTES

8/24/99 LTR/DECL



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